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April 11, 2002

BY ELECTRONIC COMMENT FILING SYSTEM

William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Report and Request for Waiver of Amarillo License, L.P. for
Station KNKA574 and High Plains Wireless, L.P. for Station
KNLF919 on Implementation of TTY Digital Compatibility for
911 Emergency Calling
CC Docket No. 94-102**

Dear Mr. Caton:

On behalf of Amarillo License, L.P. ("Amarillo") and High Plains Wireless, L.P. ("High Plains"), pursuant to CC Docket No. 94-102, Fourth Report and Order, we hereby submit their report and request for waiver on implementation of TTY digital compatibility for 911 emergency calling for Stations KNKA574 and KNLF919.

Development Activities

(1) Network infrastructure software development

Amarillo and High Plains currently use Lucent Technologies ("Lucent") as the infrastructure provider for their TDMA systems. Lucent has developed the software feature required for TTY digital compatibility.

(2) Handset development and testing plans

Amarillo and High Plains are not aware of any handsets with TTY digital compatibility, but will continue to make inquiries in this regard.

(3) Beta testing and lab testing

The manufacturers are responsible for beta testing and lab testing.

(4) Release and general availability to carriers of network infrastructure software

Lucent now provides the software feature required for TTY digital compatibility. However, as a small carrier, Amarillo and High Plains have not yet been able to schedule with Lucent the deployment of ECP retrofit to release 17 and 5ESS retrofit to Release 16, which include the necessary software feature.

(5) Availability to carriers of full acceptance test units

The availability of handsets with TTY digital compatibility is a prerequisite for full acceptance test units to be available.

(6) Efforts toward achieving digital wireless solution compatibility with enhanced TTY devices

The Lucent switch currently installed for use by Amarillo and High Plains has Release 15.1 for ECP and Release 14.1 for 5ESS. In order to achieve TTY digital compatibility, Amarillo and High Plains must install ECP release 17 and 5ESS release 16. To get there the following steps must be taken:

- The Operations Management Platform (“OMP”) must be upgraded to OMP FX. This is a hardware change that is scheduled for April 19, 2002. However, the necessary hardware has not yet arrived.
- Assuming the upgrade to OMP FX takes place on time, the ECP retrofit to Release 16 is scheduled for May 10, 2002, and the 5ESS retrofit to Release 15 is scheduled for May 24, 2002.
- Lucent will not schedule the ECP retrofit to release 17 and the 5ESS retrofit to release 16 until the prior required upgrades are completed. However, it is anticipated that it will take at least 3 months to schedule these upgrades once the prior steps are completed. In other words, the upgrades to ECP release 17 and 5ESS release 16 necessary for TTY digital compatibility will not take place until the end of the third quarter or the fourth quarter of 2002.

Testing and Deployment Activities

(7) Carrier coordination of testing with PSAP

The PSAP is not yet ready for TTY digital compatibility.

(8) Carrier testing activities, including field testing, consumer end-to-end testing and other necessary tests

Testing cannot take place until the software installation is complete, handsets are available and the PSAP is ready.

(9) Retail availability of necessary consumer equipment

Amarillo and High Plains are not aware of any handsets with TTY digital compatibility, but will continue to make inquiries in this regard.

(10) Geographic scope of network infrastructure deployment

Once Amarillo's and High Plains's switch is upgraded to ECP release 17 and 5ESS release 16, TTY digital compatibility will be deployed throughout all parts of the Amarillo, TX MSA where Amarillo is capable of providing service to customers and all parts of the Amarillo, TX BTA where High Plains is capable of providing service to customers.

Request for Waiver

Amarillo and High Plains request waiver of section 20.18(c) of the Commission's rules.¹ Specifically they seek (i) an extension of time up to and including December 31, 2002, in which to upgrade their systems to achieve TTY digital compatibility; and (ii) an

¹ Section 20.18(c) states:

(c) TTY Access to 911 Services. Licensees subject to this section must be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices (TTY).

NOTE to paragraph (c): Operators of digital wireless systems must begin complying with the provisions of this paragraph on or before June 30, 2002.

47 C.F.R. § 20.18(c).

extension of time up to and including June 30, 2003² to integrate TTY digital compatibility with the PSAP.

An extension of time is justified because, as explained in section (6) of the report, Amarillo and High Plains will not be receiving the necessary software upgrades for TTY digital compatibility until late in the third quarter or the fourth quarter of this year. As small carriers, Amarillo and High Plains are unable to command the resources of Lucent to install the necessary hardware and software upgrades sooner.

Section 1.925(b)(3) of the Commission's rules states:

(3) The Commission may grant a request for waiver if it is shown that:

(i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or

(ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

47 C.F.R. § 1.925(b).

This waiver request of Amarillo and High Plains complies with Section 1.925(b)(3). Under subsection (i), the underlying purpose of the rule would be frustrated by application to the instant case because Amarillo and High Plains are at the mercy of Lucent to receive their hardware and software upgrades. Lucent has placed a priority on servicing its larger customers, and hence Amarillo and High Plains must wait. Because Amarillo and High Plains are diligently pursuing the necessary hardware and software upgrades to achieve TTY digital compatibility, the underlying purpose of the rule is served.

In addition, a grant of the requested waiver would be in the public interest. The PSAP is not yet ready to receive TTY digital service. Until the PSAP is ready to receive TTY digital service, the public does not benefit from the hardware and software upgrades to the wireless switch. Moreover, Amarillo and High Plains are not aware of any available TTY digital handsets for TDMA. Until such handsets are available, the public does not benefit from the hardware and software upgrades to the wireless switch. Since Amarillo and High Plains intend to complete the necessary hardware and software

² This date may need to be extended if the PSAP is not ready or if there are no available handsets with TTY digital compatibility for TDMA.

upgrades by December 31, 2002, there is a clear path to compliance within a reasonably short time frame. Therefore, a grant of the waiver would serve the public interest.

Under subsection (ii), application of the rule would be inequitable and unduly burdensome because the necessary software upgrades are not yet available to small carriers such as Amarillo and High Plains. As soon as they are available to Amarillo and High Plains, they will be installed, and compliance will be achieved. Amarillo and High Plains have no reasonable alternative. They are dependent upon Lucent for the hardware and software upgrades to the Lucent switch.

Although to receive a waiver, a petitioner need only fulfill the requirements of *either* subsection (i) *or* (ii), in this case Amarillo and High Plains have fulfilled the requirements of *both* subsections. Therefore, Amarillo and High Plains have justified their waiver request and ask that it be granted.

Please address any inquiries regarding this matter to the undersigned.

Respectfully submitted,

/s/

Eliot J. Greenwald

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